

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

November 12, 2003

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Presentation at Storm Water Workshop for Construction/Development, City of Encinitas *(Eric Becker)*

On October 21, 2003, the City of Encinitas conducted a workshop to familiarize the development community on storm water regulations for construction sites and new development projects that require Standard Urban Storm Water Mitigation Plans (SUSMP). During the workshop, Eric Becker presented an overview of State's storm water regulations, BMP requirements under the state construction permit, the Regional Board's enforcement process, and the requirements under the San Diego Municipal Storm Water Permit. The workshop also explained what to expect from the Regional Board inspectors during the upcoming rainy season. Becker answered site specific questions, and emphasized pollution prevention, implementation of erosion control BMPs, and good site maintenance. He also emphasized meeting local requirements to avoid enforcement by the Regional Board. The workshop garnered significant interest from the development community and was attended by over 30 people.

2. American Water Works Association Conference *(Sabine Knedlik)*

On October 8, 2003, Ms. Sabine Knedlik, Water Resources Control Engineer, Industrial Compliance Unit, was a guest speaker at the American Water Works Association (AWWA) Fall 2003 conference. Ms. Knedlik spoke on the process used to develop the general NPDES permit, Order No. R9-2002-0020, for hydrostatic test and potable water discharges. The California-Nevada Section of AWWA sponsored the conference. Approximately 80 water professionals, including staff from water districts and water purveyors, attended Ms. Knedlik's presentation.

Ms. Knedlik described the experiences and lessons learned developing the general permit. The presentation briefly described the Regional Boards authority to issue NPDES permits, the type of discharges covered, and the enrollment process. The presentation also included an overview of the pollutants of concern in hydrostatic test and potable water discharges and the monitoring and reporting requirements of the general permit.

3. Headwaters to Oceans Conference *(Bruce Posthumus)*

Carol Tamaki, Lisa Honma, and Bruce Posthumus attended the Headwaters to Oceans conference held in Long Beach on October 23 - 25. The conference was organized by the Southern California Wetlands Recovery Project, California Coastal Coalition, Society of Wetland Scientists, and California Shore and Beach Preservation Association. The program included sessions related to watersheds, wetlands, water quality, urban runoff,

ocean water desalination, nuisance, exotic, and invasive species, and shoreline erosion. Bruce Posthumus made a presentation on the response to infestations of the invasive seaweed *Caulerpa taxifolia* in California.

4. Orange County Coastal Coalition Meeting (Jeremy Haas)

On October 30, 2003, David Hanson (POTW unit) and Jeremy Haas (Northern Watershed Unit) attended the monthly Orange County Coastal Coalition (Coalition) meeting to participate in a panel discussion regarding diversions of urban runoff to the sanitary sewer systems. Other panel members included representatives from the Santa Ana Regional Board, the South Orange County Wastewater Authority (SOCWA), the Orange County Sanitation District, and the City of Huntington Beach. County Supervisor Tom Wilson, who represents the majority of the County in Region 9, chairs the Coalition, and the County of Orange moderated the panel. The focus of this Coalition meeting was to provide Coalition members an overview of the water quality, regulatory, technical, and fiscal context of the use of diversions.

Urban runoff diversions are increasingly being proposed and used because dry-weather and storm water urban runoff is contaminating the coastline. Essentially the entire southern Orange County coastline is impaired for indicator bacteria. As more data is collected, it is clear that inland streams are impaired for Recreation and Wildlife beneficial uses from urban runoff and storm water. Diversions are currently used only for dry-weather flows because wastewater treatment plants lack capacity to treat large volumes of storm flows. In addition, there is a trend toward capturing urban runoff to increase non-potable water supply.

The meeting was attended by various interest groups, including municipalities, environmental organizations, elected officials, and other public agencies. The Santa Ana Regional Board reported that they require monitoring data be collected at diversion locations. SOCWA, which serves communities in the San Diego region, reported that they currently accept up to 500,000 gallons per day of dry-weather urban runoff from 38 permitted diversions and have applications for another 40 to 50 diversions. In general, wastewater agencies expressed concerns over the limited amount of treatment plant capacity relative to the anticipated demand for diversions and the cost to treat the diverted flows. David Hanson and Jeremy Haas outlined several issues related to Regional Board programs including the need for monitoring by sewer agencies that accept urban runoff and the need for municipalities to implement source control and pollution prevention measures even in drainage areas with dry-weather diversions.

5. Water Environment Federation Technical Conference (WEFTEC 2003) in Los Angeles (Michael McCann)

On October 14 Tony Felix and Mike McCann of the San Diego Regional Board teamed with other Regional Board representatives at the WEFTEC 2003 Conference to provide career advice to student members of the WEF. Those students interested in working for a regulatory agency heard first-hand accounts of the activities of regulatory staff of the regional boards.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. San Diego County Wildfire: Waste Disposal Issues and Impacts to Landfills (*John Odermatt*)

On October 28, 2003, the Regional Board Land Discharge Unit (LDU) coordinated with the San Diego County Department of Environmental Health (Messrs. Jack Miller, George McCandless, and Ms. Pam Raptis) and California Department of Food and Agriculture (Dr. Andrea Mikolon) on the identification and issuance of guidance for disposal of dead animals. The primary issues that were resolved included procedures for disposal of individual/small numbers of carcasses (using County Health criteria) versus the potential need to dispose of large numbers of animal carcasses (using State Water Board criteria). The State Water Board had previously issued guidance for disposal of massive numbers of animal carcasses during the outbreak of Exotic Newcastle disease earlier in 2003. It is necessary to effectively identify and implement procedures for dealing with dead animal carcasses to mitigate potential impacts to human health in the aftermath of the wildfires. The Regional Board staff has put information related to animal carcass disposal on our LDU web site at:

<http://www.swrcb.ca.gov/rwqcb9/programs/units/ldu/ldu.html#carcass>

The Regional Board LDU staff continues to further coordinate with other local, State and Federal agencies will be necessary for effective implementation of the cleanup work in the aftermath of the wildfires that have devastated large areas of the San Diego Region. The management of solid wastes generated during the cleanup operations is a very significant challenge that will require close coordination with various local, State and Federal agencies. The Regional Board LDU staff has made contacts with landfill operators and other State and local (City and County) agencies to begin to work on waste management issues. The Regional Board LDU staff met with Federal, State and local agencies to discuss solid waste management and cleanup issues at the Disaster Field Office (in Pasadena) on November 6, 2003.

LANDFILL STATUS REPORTS:

Inactive/closed Landfills: The Regional Board staff was unable to acquire short-term information on the status of most inactive/closed landfills located around the San Diego Region. The County Department of Public Works (DPW) has provided the following summary:

Ms. Candace Gibson, County of San Diego Department of Public Works:

Status: The Poway Landfill (located north/east of Poway) has been burned. Its current status of the Landfill Gas (LFG) system is damaged and non-operational. We expect to have the LFG system repaired and operating within 3 weeks. The only other regulated

landfill that appears to be at risk is the Viejas Landfill. The County of San Diego owns most of the inactive landfills in San Diego County.

On October 28, 2003, the County of San Diego DPW staff did inspections of all the other LFG systems at: Bell Jr. High Landfill, Bonsall LF, Encinitas II LF, Gillespie Airport LF, Hillsborough LF, Jamacha LF, Palomar Airport LF, San Marcos LF and Valley Center LF. All the LFG systems were working normally at that time.

Active Landfills: The following information has been provided by the dischargers at the request of the Regional Board staff to update the Regional Board on the status of our active municipal solid waste landfills in the San Diego County:

Mr. Neil Mohr, General Manager San Diego Landfill Systems/Allied Waste Inc:

SYCAMORE LANDFILL located east of the City of San Diego

Status: The site reopened approx. 10:30 am - Oct 27. The Site Manager (Austin) was present with operators through the night to check spot fires. No equipment was lost.

No gas extraction wells to the flare system were lost. The main gas line into the electrical generation facility was lost. The LFG operator closed all gas connections and was preparing to redirect the gas flows to the flare. Flare was restarted at 8:30am on Oct. 28. The leachate collection/storage system and groundwater wells appear do not appear to be damaged.

The SDGE wooden power poles were damaged and SDGE has been notified. Allied has received authorization from the City LEA to accept additional tonnage and extend hours of operation if necessary. The landfill is fully operational at this time.

OTAY CLASS III LANDFILL located east of City of Chula Vista

Status: No fire damage. The facility opened as scheduled, however, due to potential fire concerns expressed by the City of Chula Vista, operations were curtailed from approximately 10:30am until early afternoon on Oct. 27th. Full operations were scheduled for Oct 28th. Allied has received authorization from the County LEA to accept additional tonnage and extend hours of operation if necessary. The landfill is fully operational at this time.

RAMONA CLASS III LANDFILL located near the City of Ramona

Status: No fire damage. The facility was opened, however due to a fire flare up near Ramona, operations were suspended at approx. 10:30am on Oct. 27th. Allied has received authorization from the LEA, both City and County to accept additional tonnage and extend hours of operation if necessary. The landfill is fully operational at this time. Allied has received authorization from the County LEA to accept additional tonnage and extend hours of operation if necessary. The landfill is fully operational at this time.

Mr. Steve Fontana, Director Environmental Services Division, City of San Diego:

WEST MIRAMAR CLASS III LANDFILL located in the City of San Diego

Status: West Miramar Landfill closed Oct. 26, 2003 at approx. 9:30am and remained closed Oct. 27, 2003. The landfill reopened on October 28th.

Largely through the efforts of City staff using bulldozers and water tankers, they were fortunate to escape without any injuries, structural damage or loss of equipment. They did lose a moderate amount of their gas collection system's pipeline. The system has been shut down and the gas well valves have been closed to the extent possible. The vendor was onsite on October 28th to assess the situation and determining the course of action to make repairs.

With a reduced crew, the City was working the "hot spots" and monitoring the surrounding areas, including the air base for flare-ups, as well as the air quality. The City made a determination to reopen the landfill on October 29th. The City has applied for emergency authorization from the City LEA to accept additional tonnage, accommodate additional vehicular traffic, and extend hours of operation for a period of 90-days. The waste disposal system is fully operational at this time.

Ms. Tracy Sahagun, Office of Environmental Security – Marine Corps Base (MCB) Camp Pendleton:

LAS PULGAS AND SAN ONOFRE CLASS III LANDFILLS located at MCB Camp Pendleton:

Status: The Las Pulgas and San Onofre Landfills are not in danger of fire. The fire on Camp Pendleton was confined to the northeast portion of the Base. Both landfills continue to be in normal operation.

The LDU staff will provide continuing updates in future Executive Officer Reports.

2. San Diego Region Wildfires: Cleanup/Waste Management (John Odermatt)

The Regional Board is addressing potential water quality problems associated with the management of various waste streams resulting from the extensive wildfires throughout our region. Guidance on cleanup of fire related waste streams (e.g., ash cleanup and animal carcass disposal) may found on our wildfire web site at:

<http://www.swrcb.ca.gov/rwqcb9/misc/wildfires.html>. The San Diego Regional Board wildfire web site also contains a number of links to other State/local agency web sites containing guidance documents on management and disposal wildfire related wastes.

The Regional Board is working with affected local agencies (City and County of San Diego) and landfill owner/operators to address the waste management issues that will arise during the cleanup in the aftermath of the wildfire destruction in the San Diego Region. On October 31, 2003, the Regional Board Land Discharge Unit (LDU) met with the Local Enforcement Agencies (City and County of San Diego). This first meeting with

the LEAs resulted in joint positive action and requests for assistance on waste management issues with other regulatory agencies including the California Integrated Waste Management Board (CIWMB) and the Department of Toxic Substances Control (DTSC). On October 31st and again on November 3rd, the Regional Board participated in a teleconference meeting of various Cal-EPA/Federal and Local agencies to discuss environmental issues related to the wildfire destruction in the San Diego Region. On November 6th, the Regional Board LDU attended a meeting, with State and Federal agencies at the Disaster Field Office (DFO) located in Pasadena, to develop a strategy for wildfire related debris and waste management.

As of November 5, 2003, the California Department of Forestry (CDF) reports the following information for various fire-affected areas of the San Diego Region:

Estimated Acres burned: 402,600

Estimated Structures destroyed: 3,300

Estimated structures damaged: 92

Estimated vehicles destroyed: 223

From data collected from the Oakland-Berkeley Hills fires (1991), the Regional Board LDU estimates that the impacts of the San Diego wildfires may result in at least 105,600 to 108,544 tons of solid wastes being generated from the cleanup effort in the San Diego Region. At least part of that material will be comprised of "inert" wastes that may be suitable for recycling or reuse (e.g. uncontaminated metal, wood, concrete, brick). Collecting and separating wastes that are suitable for recycling or diversion to other wastes handling facilities resulted in 11% of their total fire related solid waste stream not being discharged into municipal solid waste landfills after the Oakland-Berkeley Hills fires in 1991. Achieving the same level of diversion/recycling would result in between 11,000 and 12,000 tons of solid wastes not being sent to landfills located in the San Diego Region. However, a large portion of the wastes (probably 85 to 90%) will likely be discharged into lined waste management units located at the Municipal Solid Waste Landfills in the San Diego Region.

A tentative Resolution is scheduled for consideration by the Regional Board as Item 13a on today's agenda: Tentative Resolution No. R9-2003-0391, "An Emergency Conditional Temporary Waiver of Statutory Requirements to File a Report of Waste Discharge and for Adoption of Waste Discharge Requirements for Management and Disposal of Solid Waste from the 2003 Wildfire Destruction in the San Diego Region." If adopted, the tentative Resolution would help to streamline the cleanup and disposal of wildfire related waste by temporarily and conditionally waving statutory requirements of Water Code Sections 13260(a & b), 13263(a) and 13264(a). The tentative Resolution would place conditions upon the following categories of wildfire-related waste discharges in the San Diego Region:

- a.) **Discharges of wildfire related solid wastes into line cells at permitted municipal solid waste landfills** (e.g., Otay Landfill, Ramona Landfill, Sycamore

Landfill, and West Miramar Landfill). These landfills may process/permanently dispose of large volumes of qualifying solid wastes, including: spoiled food wastes, animal carcasses, and "mixed wastes" – comprised of two or more categories of wastes (*e.g.*, nonhazardous wastes, house-hold hazardous wastes, universal wastes, inert wastes, *etc.*) that have been mixed and damaged such that the individual waste components are not practically separable for purposes of waste management.

- b.) **Discharges of wildfire related solid wastes into temporary waste staging areas (unclassified waste management units).** If necessary, these facilities may process large volumes of qualified demolition debris including uncontaminated metal, wood, concrete and brick as these are removed from the disaster stricken properties around the San Diego Region.

Tentative Resolution No. R9-2003-0391 would also include an automatic termination date of June 30, 2004, unless the Regional Board takes action to extend the termination date of the conditional waiver.

Although the affected MS4 copermittees are currently taking actions to assess and mitigate potential erosion and sediment issues/problem areas; heavy winter storms may cause large-scale problems from erosion and storm water discharges containing fire related wastes (*e.g.*, soils, ash, animal carcasses, *etc.*). Such large-scale storm water discharges may be beyond the scale that is effectively mitigated by implementation locally applied BMPs. If that case materializes, an additional waste stream, from cleanup of municipal storm drain conveyance systems, may be collected and discharged into municipal solid waste landfills. The potential mass/volume of this waste stream is unknown at this time.

3. Sanitary Sewer Overflows (SSO) (*David Hanson, Bryan Ott, Victor Vasquez*) (*Attachment B-3*)
From October 1 to October 31, 2003, there were 23 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 12 of these spills reached surface waters or storm drains, and one resulted in closure of recreational waters. Of the total number of overflows from public systems, 5 were 1,000 gallons or more.

Three sewage overflows from private property in October were also reported; no overflow was 1,000 gallons or more; one reached surface waters or storm drains; and one resulted in closure of recreational waters.

Only trace rainfall was recorded at San Diego's Lindbergh Field in October 2003. For comparison, in September 2003, only trace rainfall was recorded, and 13 public SSOs were reported. In October 2002, 0.04 inches of rainfall was recorded and 36 public SSOs were reported.

Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year (FY) since FY 2000-01 in the attached table entitled "Sanitary Sewer Overflow Statistics." Information regarding the volume of spills and a comparison of that volume to the amount conveyed by each agency has been added. From July 1, 2003 through October 31, 2003, approximately 44.8 billion gallons of sewage was conveyed of which 2.8 million gallons was spilled (0.006%). We will continue to improve the manner that SSO data is presented in the future in order to provide the Regional Board the most meaningful and insightful information.

No Notices of Violation (NOV) were issued in October.

4. Clean Water Act Section 401 Water Quality Certification Actions Taken in October 2003 (Stacey Baczowski)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION ¹
10/3/03	City of Coronado	Silver Strand Improvement Project	Construction of a Class 1 bicycle path along the eastern side of SR-75, connecting to the existing bike path west of the intersection of SR-75.	Conditional
10/9/03	Naval Region Southwest	Chollas Heights Navy Family Housing Erosion Control Measures	Construction of erosion control structures at three sites in order to protect habitat mitigation efforts.	Time Expired
10/9/03	U.S. Border Patrol	Yogurt Canyon Primary Fence Maintenance Road	Construction of a 130-foot by 16-foot concrete road and 6-foot wide bed of rip-rap in the Border Field State Park.	Time Expired
10/14/03	Dr. Yogesh Goradia	Goradia Project	Development of a 32.1 acre site into 79 single-family homes and supporting infrastructure.	Conditional
10/14/03	State of California, Department of Transportation	Los Coches Creek Culvert Cleanout	Removal of silt and vegetation in the main channel to facilitate flood flows through the culverts.	Standard
10/14/03	Beazer Homes	Tentative Tract No. 30727 Residential Development	The proposed residential development will consist of 83 dwellings units on approximately 48 acres within the City of Murrieta.	Conditional
10/14/03	Calprop Corporation	Winkler Acres TT No. 22948	Construction of a residential housing development	Conditional
10/15/03	San Diego Gas and Electric	SDG&E T1649 Access Road Erosion Project	Repair of an existing dirt road that crosses three unnamed drainages located in the Otay River Valley in	Conditional

			order to provide maintenance of an existing transmission line.	
10/15/03	Saddleback Valley Christian	Oso Road Crossing Restoration Project	Restore previously existing "Arizona dip" road crossing of Trabuco Creek and reconstruct the lone ingress and egress point connecting the eastern and western side of the creek.	Withdrawn
10/20/03	San Diego Gas and Electric	SDG&E Pipeline Span Coating	Removal of external coatings on three exposed spans of an existing gas transmission pipeline that crosses three unnamed tributaries of Tecolote Creek.	Withdrawn: not subject to 404 permit
10/22/03	The City of San Diego, Transportation and Drainage Design Division	Mira Sorrento Place	Widening of existing portion of Mira Sorrento Place to a four-lane collector street, and extension of the road to intersect with Vista Sorrento Parkway.	Conditional
10/24/03	Heritage Oaks, LLC	Strawberry Fields II	Residential development of 40 single-family houses on 10,000 square foot lots.	Conditional
10/31/03	Peppertree Land Company	Peppertree Park	Road construction to access a proposed 70 lot residential subdivision.	Withdrawn

¹ Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

5. Non-Payment of \$500 Administrative Civil Liability by Castillo & Sons, A & E Auto Recycling for the month of October (*Vicente Rodríguez*)

In June 2003, the Regional Board agreed to accept Castillo & Sons' proposal to make six monthly payments of \$500 to pay off the \$3,000 liability imposed by ACL Order No. R9-2002-0284, issued in November 2002 for failure to pay fees. Since that time, Castillo & Sons made four timely payments totaling \$2,000 of the \$3,000 owed. The next payment of \$500 was due October 31, 2003 and the final payment is due November 28, 2003. Recently, Daniel Castillo notified the Regional Board that he would be unable to make the October 31, 2003 payment. Mr. Castillo stated his business did not make any money, and he is now trying to sell it. Mr. Castillo also stated he will pay the remaining balance if the business makes money the next month or if he successfully sells his business.

As part of the Regional Board approving the payment schedule, the Regional Board also adopted Order No. R9-2003-0164, which requires the matter to be automatically referred to the State Attorney General if the discharger fails to pay the ACL payment each month. Therefore, the Executive Officer will be requesting, in the next 30 days, that the Attorney General petition the appropriate court to collect the outstanding balance of \$1,000 from Castillo & Sons for failure to pay Regional Board Order No. R9-2002-0284, *Administrative Assessment of Civil Liability against Castillo & Sons, A&E Auto Recycling for Failure to Pay Annual Fees*.

6. San Diego Municipal Storm Water Permit Update (Phil Hammer)

Compliance evaluations of the Copermittees' urban runoff management programs continue to be a priority. The compliance evaluations are detailed assessments of each municipality's overall success in meeting the requirements of the San Diego Municipal Storm Water Permit (Permit). The urban runoff management programs of the Cities of Imperial Beach, La Mesa, San Marcos, and Vista were evaluated on October 14-16, 2003. Twelve of the twenty-one San Diego County Copermittees have now been evaluated since adoption of the Permit. A report containing the findings of the four most recent compliance evaluations should be finalized in approximately one to two months. Once finalized, this report will be available for review upon request.

As a follow-up to the compliance evaluation previously conducted for the City of San Diego (City), the Regional Board met with the City to assess its efforts to correct program deficiencies noted during the October 2002 compliance evaluation. The City was found to have taken steps to correct most of the deficiencies previously noted, including significant efforts to provide City employees with activity-specific storm water training. However, inadequate best management practice implementation at the Chollas Municipal Yard was found to have continued, resulting in the issuance of a Notice of Violation to the City. In addition, the City's oversight of industrial and commercial facilities will continue to be closely monitored by the Regional Board in order to ensure that full compliance with applicable Permit requirements is achieved.

7. Riverside County MS4 Permit Renewal Update (Megan Quigley)

On May 30, 2003, the Regional Board received a Report of Waste Discharge from the Riverside County Flood Control and Water Conservation District (District) as an application for renewal of the municipal storm water permit that covers the portion of Riverside County within our Region (Upper Santa Margarita Watershed). Permittees include the District, the County of Riverside, and the Cities of Murrieta and Temecula. The existing permit, Order No. R9-98-02, will expire on November 30, 2003.

The Northern Watershed Protection Unit is preparing a draft permit that is consistent with the framework and requirements of MS4 permits issued to other municipalities in our Region (Orders R9-2001-001 and R9-2002-0001) and also considers the unique programs and water quality concerns in the Upper Santa Margarita Watershed. Bob Morris and Megan Quigley have been meeting with the Permittees on a weekly basis to discuss anticipated new requirements. The meetings are serving as workshops for the Permittees

to express their concerns and questions regarding the permit. So far, the meetings have been effective in resolving several potential issues by clarifying permit requirements and identifying existing Permittee programs that already meet, or could feasibly be improved, to comply with new requirements. If requested, staff will conduct a formal workshop to discuss the permit with all interested parties.

The tentative renewal schedule is based upon the Regional Board considering adoption of the permit at the regularly-scheduled Board Meeting in April 2004. To meet this schedule, a first draft must be issued no later than December 15, 2003, followed by a public comment period and a Regional Board hearing to receive testimony in February 2004. Information regarding the permit renewal, including the tentative schedule, is posted on our web page at: http://www.swrcb.ca.gov/rwqcb9/programs/rsd_stormwater.html.

8. San Diego Region Wildfires (*Stacey Baczkowski*) (*Attachment B-8*)

The Regional Board has been addressing current and potential water quality problems as a result of the extensive wildfires throughout our region. Guidance on ash cleanup was developed and distributed by the Regional Board and the County of San Diego; this can be found on our web site at: <http://www.swrcb.ca.gov/rwqcb9> under Hot Water Topics, and is included as Attachment B-8. The Regional Board has received a formal complaint from Mr. Marvin Winters regarding the ash cleanup guidance and against the Sweetwater Authority for their cleanup of ash from their 3,000 square foot customer parking lot. The Regional Board had discussed ash cleanup with the Sweetwater Authority and has no plans for enforcement action.

The Regional Board is working with affected municipal storm water copermittees, landfills, and other regulatory agencies regarding implementation of Best Management Practices (BMPs) to protect surface waters from common household chemicals (e.g., paints, fertilizers, pesticides, etc.) that may be present in burned homes; to protect exposed slopes from erosion and sedimentation; and to protect surface waters during debris, carcass, and burn ash disposal. The Regional Board has fielded additional questions regarding sampling of first flush storm events and the availability of state funds for clean up activities and BMP installation.

The Regional Board met with affected municipal copermittees on November 4, 2003, to discuss erosion and sedimentation issues related to the fires. The affected copermittees are currently assessing potential erosion and sediment issues/problem areas and are developing and implementing best management practices (BMPs). Some of the BMPs include spraying bonded fiber matrix on burned slopes adjacent to homes; grading of temporary sediment basins; installation of gravel bags; and covering of storm drain inlets in burned areas.

The Regional Board has also been contacted regarding cleanup and repair activities that may require section 401 water quality certification and/or waste discharge requirements. The Regional Board is working with San Diego Gas and Electric to provide after-the-fact certification for impacts that may result from the replacement of burned power poles. We

are also working with the City of Poway regarding potential flooding issues as a result of the fire.

9. State Water Board Resources Control Board Increases Annual Fees *(Mark Alpert)*

(Attachment B-9)

On September 30, 2003, the State Water Resources Control Board adopted emergency regulation revising the annual fee schedule contained in CCR Title 23, Division 3, Article 1, Section 2200. The revised fee structure, effective retroactive to July 1, 2003, significantly raises the annual fees for holders of Waste Discharge Requirements (WDRs) and National Pollutant Elimination System (NPDES) permits. The full text of the fee schedule is attached and can be viewed at the State Board web site located at <http://www.swrcb.ca.gov/>.

The increase in annual fees were necessary as a result of passage of the 2003 State Budget Act, which requires the entire general fund portion of the State Board's Core regulatory program be paid by those to whom WDR/NPDES permits are issued. Concurrent with the fee increases, the State Board added a surcharge to support the Ambient Water Monitoring (AWM) program. The surcharge is either 18.5% of the calculated annual fee for discharges subject to NPDES permits, or 9% of the calculated annual fee for all discharges subject to WDRs, Dredge and Fill projects, and Confined Animal Feeding Operations.

The State Board's Division of Administrative Services Fee Unit is in midst of sending out invoices for annual fees for WDR, NPDES, and the first and second quarter billing for the construction and industrial storm water permit based on the new fee schedule. The Regional Board expects an increase in requests for clarification and complaints from dischargers questioning the applicability of the new fee structure. Also expected is an increase in the number of requests to reduce the annual fee by reclassification to a lower threat to water quality rating assigned facilities. Consequently, there will be an overall increase in Regional Board workload to evaluate threat to water quality ratings and to ensure discharger compliance with the new fee requirements.

The following is a synopsis of the fees and surcharges subject to each program schedules.

Storm water	subject to an 18.5% surcharge in addition to the annual fee
1. Municipal Co-permittees:	\$1,250 to \$25,000 based on the population
2. Caltrans:	flat fee of \$100,000
3. Construction permits:	\$200 + \$20 per acre to a maximum fee of \$2,200
4. Industrial permits:	\$700 unchanged from previous year rate
5. Linear construction:	\$200 + \$20 per acre to a maximum fee of \$5,000
NPDES	subject to an 18.5% surcharge in addition to the annual fee

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|-------------------------------------|---|
| 1. Discharges of less than 100 mgd: | \$1,000 plus (3,418 times permitted flow) up to a |
| Industrial Facilities: | maximum fee of \$35,000 plus \$5,000 to |
| | \$15,000 surcharge based on TTWQ/CPLX |
| | rating |
| Municipal Facilities: | maximum fee of \$50,000 plus \$10,000 for a |
| | pretreatment program |
| 2. Discharges of 100mgd or greater: | flat fee of \$100,000 |
| 3. Discharges of Aquaculture: | \$1,000 to \$4,800 |
| Geothermal or De Mimimis | |

The following programs are subject to a 9 % surcharge in addition to the base annual fee.

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|--|---|
| Waste Discharge Requirements (Non15): | \$800 to \$ 38,000 based on TTWQ/CPLX |
| | rating |
| Waste Discharge Requirements (Title 27): | \$1,500 to \$28,000 plus a \$12,000 surcharge |
| | for Class I Facilities |
| Dredge and Fill projects: | \$500 to \$40,000 |
| Confined Animal Facilities: | \$200 to \$4,000 based on the number of |
| | animals |
| (Feedlots, Dairies, Poultry) | |

10. Report on Discharges into State Water Quality Protection Areas in Region 9 (*Sabine Knedlik*) (*Attachment B-10*)

In the 1970's, thirty-four offshore areas along the California coast were designated as areas requiring protection by the State Water Resources Control Board (State Board) (see attached map). These areas were called Areas of Special Biological Significance (ASBS). In 2003, these areas have been re-designated as State Water Quality Protection Areas (SWQPA's).

Four SWQPA's are located in Region 9, of which one is shared with the Santa Ana Regional Board to the north:

- Irvine Coast Marine Life Refuge, Orange County (majority in Santa Ana Region)
- Heisler Park Ecological Reserve, Orange County
- San Diego Marine Life Refuge, San Diego County
- San Diego-La Jolla Ecological Reserve, San Diego County

The State Board initiated a survey in 2001 to document the number and types of discharges into each of the thirty-four protected areas. The survey found almost 2,500 actual or potential waste discharges and natural stream outlets. Waste discharge points consist of storm drains that drain small residential or commercial areas (41%), storm drains originating from municipal and industrial areas (16%), non-point source discharges (12%), and point source discharges (1%). The remaining discharges are made up of

perennial and ephemeral streams, gullies, springs and other potential non-point sources (30%). The report can be downloaded from the State Board's web site at:

http://www.swrcb.ca.gov/plnspols/oplans/docs/swqpa_finalsurveyreport_wlayouts.pdf

In the San Diego Region, there are a total of 302 discharges into three areas: Heisler Park Ecological Reserve, San Diego Marine Life Refuge, and San Diego-La Jolla Ecological Reserve. Ninety-six percent of these (290) discharge points are potential waste discharges, with 14 discharges into Heisler Ecological Reserve, 92 discharges into San Diego Marine Life Refuge, and 184 discharges into San Diego-La Jolla Ecological Reserve.

The San Diego Marine Life Refuge is the only SWQPA in the Region that currently has a point source discharge. The discharge is from the University of California Scripps Institution of Oceanography and is regulated under a National Pollution Discharge Elimination System Permit. The permit includes discharge requirements for the Institution's discharges of seawater that has been circulated through the aquarium tanks at both the Stephen Birch Aquarium as well as the Institute's research facility.

The 2001 California Ocean Plan (Ocean Plan) prohibits waste discharges into SWQPAs. Scripps Institution of Oceanography intends to request an exception to the Ocean Plan prohibition from the State Board.

11. West Nile Virus Update for the San Diego Region (*Pete Michael*)

The spring of 2004 may see transmission throughout southern California of the West Nile Virus from mosquitoes to humans and birds. Several birds infected with West Nile have been identified in 2003. Potential regulatory issues could arise between agencies which, if dealt with during the fall of 2003, could be addressed with little conflict. Mosquito and vegetation control programs include:

- Mosquito vector control programs administered by local health agencies
- Flood control programs administered by public works agencies.

Mr. Don Chadwick of the Department of Fish and Game, San Diego has identified appropriate actions for vector control and habitat protection.

- **Perform vegetation removal before the bird nesting season.** In wetlands, populations of mosquito fish are maintained to control mosquito larvae. Fish and Game reports that flood control and vector control agencies often cut channels through cattail habitat to provide mosquito fish access to wet areas where mosquitoes breed. Fish and Game recommends streambed alteration projects be completed before the spring nesting season to avoid disrupting nesting of the least Bell's vireo, an endangered bird species.
- **Obtain a streambed alteration permit.** The Department of Fish and Game reviews Fish and Game Code Section 1600 permit applications.
- **Where appropriate, obtain coverage under the general aquatic pesticide NPDES permit.** The State Water Resources Control Board approves notices of intent for Order 2001-12-DWQ. To view the order and fact sheet, see www.swrcb.ca.gov and

click on *Water Quality, General Permits*. The regional water quality boards approve monitoring programs and receive monitoring reports.

12. NASSCO and Southwest Marine Shipyards (Tom Alo) (Attachment B-12)

Elevated levels of pollutants exist in the bay bottom marine sediment adjacent to National Steel and Shipbuilding Company (NASSCO) and Southwest Marine, Inc. (Southwest Marine). The concentrations of these pollutants may cause or threatens to cause a condition of pollution that harms the beneficial uses designated for San Diego Bay. In June 2001 the Regional Board directed NASSCO and Southwest Marine to conduct a site-specific sediment quality assessment study, develop sediment cleanup levels, identify sediment cleanup alternatives, and develop cleanup costs.

NASSCO and Southwest Marine completed their site-specific sediment investigation and submitted a technical report to the Regional Board on October 10, 2003. This technical report will be used as a basis for the Regional Board's development of cleanup and abatement orders (CAOs) for NASSCO and Southwest Marine. The technical report includes:

- Presentation and analysis of all of the chemical and biological data collected at the shipyard sites;
- Evaluations of the risks to aquatic life, aquatic-dependent wildlife, and human health beneficial uses;
- Development and analysis of effects-based candidate cleanup levels and cleanup levels representing background conditions; and
- Evaluations of remedial alternatives.

Staff notified the public regarding the availability of the technical report on October 10, 2003. Written comments from the public on the technical report are due on December 5, 2003. Staff is also holding a public workshop at the Regional Board office on November 14, 2003 on the technical report. At the workshop NASSCO's and Southwest Marine's consultant, Exponent, will summarize the findings of the site-specific sediment investigation and receive comments from the public, Regional Board, and other governmental agencies on the report. Staff will also be conducting a scoping meeting at the workshop for interested persons to communicate their views on the types of issues that should be considered and addressed by the Regional Board in preparing the CAOs for NASSCO and Southwest Marine. Regional Board members may attend this workshop at their option. The public notice and workshop agenda are provided in Attachments B-12a and 12b, respectively.

Staff anticipates that the Regional Board's consideration of the CAOs will be controversial and a three step process is planned to provide for full consideration of public testimony and adoption of the CAOs. The schedule discussed below is optimistic and some slippage of the dates may occur in order for staff to complete analysis of the technical factors associated with setting cleanup levels for NASSCO and Southwest Marine.

Staff anticipates circulating the tentative CAOs with a single suite of recommended cleanup levels for each chemical of concern to the public for review and comment on January 6, 2004. The Regional Board will provide the public with a period of 60-days to provide written comments on the tentative CAOs. Following receipt of the written comments a public hearing is tentatively scheduled on April 14, 2004 for the Regional Board to receive public testimony and consider adoption of the CAOs. At the conclusion of the hearing, the Regional Board will be asked to close the record for public testimony on the CAOs. A meeting for Regional Board deliberation is tentatively scheduled for May 12, 2004. At this meeting staff will present written responses to public comment and testimony on the CAOs and the finalized versions of the CAO for Board consideration. In the event additional time is needed to finalize the CAOs based on additional guidance from the Regional Board members, a third Board meeting has been tentatively scheduled on June 16, 2004 for Board adoption of the CAOs. A diagram depicting the above events is provided in Attachment B-12c.

13. Annual Fee Collection Status Report (Mark Alpert)

Last September 2002, the Executive Officer informed the Regional Board that the State and Regional Board would continue to aggressively pursue reducing the amount owed the State from dischargers delinquent in paying annual fees associated with WDRs and NPDES permits. In FY 2002-03 these efforts were very successful in reducing the outstanding fees owed to the State. The table below compares the remaining uncollected fees in the stormwater and waste Discharge requirement/NPDES programs as of September 2003 with the same time last year. Overall, uncollected annual fees were reduced by 72% representing \$375,242 of debt removed from the State Budget.

Annual fees have risen significantly beginning this fiscal year, and there will be a concurrent increase in Regional Board workload needed to ensure discharger compliance with the new fee requirements. Also due to business closures, ownership transfers, and address changes, it becomes increasingly difficult to recover fees that are older than a few years. Therefore, Regional Board must continue to place a high priority on reducing outstanding fees for the most recent fiscal years and the upcoming 2003 billing cycle.

Fiscal Year	Annual WDR/NPDES and Storm Water Fees		
	outstanding as of September 2002	outstanding as of September 2003	% reduction
2		\$ 73,000	
1	\$91,150	\$8,750	90%
0	\$71,450	\$15,000	79%
99	\$46,050	\$14,200	69%

98	\$29,800	\$5,850	80%
97	\$33,900	\$10,150	70%
96	\$26,441	\$4,041	85%
95	\$23,750	\$3,000	87%
94	\$127,800	\$66,100	48%
93	\$68,442	\$16,450	76%
Total 93-01	\$518,783	\$143,541	72%

The enforcement process begins with the State Water Resources Control Board issuing up to two late notices sent 60 and 90 days after the original invoicing date. For those remaining outstanding fees, the Regional Board escalates enforcement with a combination of direct contact with the delinquent dischargers, followed by warning letters, and ultimately issuance of Complaints for administrative assessment of civil liability. In addition to the assessed ACL amount, the discharger remains responsible for payment of the unpaid annual fee. This systematic approach provides a fair opportunity to dischargers to achieve compliance with permit requirements.

14. Mission Bay Landfill (*Brian McDaniel and John Odermatt*) (*Attachment B-14*)

The Regional Board received information from the Sierra Club- San Diego Chapter (letter dated October 6, 2003) and the Mission Bay Park Toxic Cleanup Group (letter dated October 17, 2003) to document their concerns about the historical discharges of wastes in proximity to the Mission Bay Landfill. The letters and information provided by the Sierra Club- San Diego Chapter and the Mission Bay Park Toxic Cleanup Group are provided in Attachment B-14a for this item.

The cover letter from the Sierra Club – San Diego Chapter alleges they have obtained evidence of “(1) dumping throughout the area of 1935 to 1963, (2) intentional flooding of the South Shores area by the city of San Diego in 1957 and 1961, and (3) piping and pumping of sewage from the Point Loma treatment plant.” Further, the Sierra Club – San Diego Chapter asserts that a surface impoundment used to discharge a mixture of “sewage” and “toxic wastes” in the South Shores area, and extending into the area of the “first (1963) Sea World construction site and eastward.” Finally they offer their opinion that the Regional Board is not in a position to regulate the site as a “landfill” for purposes of closure.

The Regional Board previously received written inquiries, from the Sierra Club-San Diego Chapter during June to August 2003, regarding their concerns about the Mission Bay Landfill. The Regional Board Land Discharge Unit (LDU) staff's written responses were provided in the Executive Officer (EO) Report for September 10, 2003 (see EO Report Item B-16 and attachments B-16a and B-16b without enclosures). The Regional Board staff has not had the opportunity to fully evaluate the information (photographs) described, but not provided, in the most recent letter from the Sierra Club- San Diego Chapter (dated October 6, 2003).

The Regional Board LDU staff is not aware of any specific statutory limitations placed upon the Regional Board for prescribing waste discharge requirements for operations characterized as “dumps” or “landfills.” Both of those actions are accurately categorized as discharges of wastes to land, which may be properly regulated under the authority granted to the Regional Board by the California Water Code. The current State regulations describe the manner in which those regulatory requirements should be applied at pre-1984 closed, abandoned or inactive (CAI) waste management units was indicated in a previously written response prepared by the Regional Board staff (see EO Report Item Attachment B-16a, page 2):

“The intent of the SWRCB, regarding application of current regulations to older Units, is expressed in CCR Title 23, Section 2510(g) and CCR Title 27, Section 20080(g). These regulations specifically exempt facilities that were closed abandoned or inactive (CAI), prior to 1984, from meeting only newly required monitoring. In addition, the decision on whether to apply the revised monitoring requirements is at discretion of the appropriate Regional Board.”

The Regional Board currently regulates the Mission Bay Landfill pursuant to waste discharge requirements (WDRs) issued to the City of San Diego as Order 97-11 (and addenda thereto). The Order currently uses requirements of CCR Title 23, Chapter 15 and CCR Title 27 to prescribe post-closure maintenance and monitoring requirements for the Mission Bay Landfill. At this time, the LDU staff concludes that it is appropriate for the Regional Board to regulate the Mission Bay Landfill through Order 97-11 (and addenda thereto). Although, the LDU staff will continue to evaluate other regulatory options as additional information becomes available.

The Regional Board received two letters (dated October 17 and 28, 2003, respectively) and attached information from the Mission Bay Toxic Cleanup Group. The letter dated October 17th includes the following statement that appears to summarize their desired action(s) from the Regional Board: “MISSION BAY TOXIC CLEANUP, a citizens group formed in the public interest, on behalf of the people of San Diego of the State of California, hereby demands that the San Diego Regional Water Quality Control Board commence immediate actions, under all federal and state laws that apply, to ensure that toxic industrial wastes, and the contaminated soil and groundwater of Mission Bay Landfill are completely cleaned up.” The Mission Bay Toxic Cleanup Group also provided xeroxed copies of historical photographs that may provide information into the historical land uses in the South Shores – Mission Bay area. The Regional Board staff has not had the opportunity to fully evaluate the various photographs and background information described in the letters (dated October 17th and October 28th) and attachments received from the Mission Bay Toxics Cleanup Group (see attachment B-14b for this item).

The Regional Board also received from the City of San Diego Environmental Services Division a faxed copy of a letter addressed to the U.S. Department of the Interior – Environmental Protection Agency” (dated July 30, 2003) attachment B-14c for this item.

The letter appears to be from the California Earth Corps and the signature block bears the names of Messers. Wilks (Sierra Club- San Diego Chapter) and Andrews (Mission Bay Toxics Cleanup Group). That letter requests Federal assistance based upon the following premise: "The failure of the lead enforcement agent, the City of San Diego, and the continued failure of the Regional Water Quality Control Board (RWQCB) to comply with your contractor's conditions, linked with the continued development on and around the toxic waste dump, demands your review of this matter and possible issuance of emergency orders."

The Regional Board staff appreciates that the Sierra Club- San Diego Chapter, Mission Bay Toxic Cleanup Group, and the California Earth Corps have expressed their concerns about conditions they believe to exist in proximity to the Mission Bay Landfill. The staff sent a written response to the submittals included in this EO Report item to both parties on November 4, 2003 (attachment B-14d).

At the direction of the Executive Officer, the Regional Board LDU staff regularly attends monthly meetings of the Mission Bay Landfill Technical Advisory Committee (TAC) convened by City of San Diego Councilwoman Donna Frye. The TAC includes members of: the public (including representatives from the Sierra Club- San Diego Chapter and the Mission Bay Park Toxic Cleanup Group); Councilwoman Donna Frye's office; the City of San Diego environmental staff; the City of San Diego Local Enforcement Agency; Professors from San Diego State University; and the Regional Board LDU staff. The LDU staff provides the Regional Board with regular updates on the work of the Mission Bay TAC through EO Reports (beginning with the September 11, 2002 Mission Bay TAC meeting). As a result of the work of the Mission Bay TAC, the City of San Diego has contracted a study of the Mission Bay Landfill with SCS Engineers. The final technical report is due to the Mission Bay TAC members during July 2004. The LDU staff intends to review the final SCS Report when it becomes available. We hope the SCS Report will give the LDU staff additional information to use in assessing the range of regulatory options available to the Regional Board for protecting water quality and effectively regulating the Mission Bay Landfill.

The cover letters and attached information received from the Sierra Club- San Diego Chapter and the Mission Bay Park Toxic Cleanup Group indicate that representatives from each group may request to address their concerns directly to the Regional Board. The staff anticipates this may occur during the Public Forum at the meeting on November 12, 2003. The LDU staff will provide continuing updates in future Executive Officer Reports.

15. Proposed: Campo Landfill Project (John Odermatt) (Attachment B-15)

During 2003, the Regional Board staff has received verbal notification that project proponents have revived efforts to construct a Class III municipal solid waste (MSW) landfill at the Campo Band of Mission Indians Reservation located east of the City of San Diego. The State Water Resources Control Board (SWRCB) initially evaluated technical

aspects of the project during the early 1990's (see Executive Officer Report for March 12, 2003 meeting – Item No. 17 with Attachments 17a and 17b).

On December 13, 2002, the Regional Board staff had telephone conversations with the project proponent Campo Resource Recovery (Mr. Ralph Petruzzo). Mr. Petruzzo indicated that the fieldwork phase of construction would occur in approximately 18 months.

On October 11, 2003, the San Diego Union-Tribune published an article on the project (see attachment B-15). Given the information in the Union-Tribune article, it is unclear if the proposed landfill project will move ahead to the construction phase as initially indicated to the Regional Board staff by representatives of Campo Resource Recovery.

16. Management/Disposal of Construction/Demolition Wastes (*John Odermatt*) (*Attachment B-16*)

The management of solid wastes derived from demolition and construction projects is an issue that is gaining more visibility in the San Diego Region. As a result of the devastation caused by the wildfires in San Diego County, the need to more effectively manage demolition wastes will become a significant emerging issue for the Land Disposal Program.

On October 13, 2003, the San Diego Union-Tribune published an article on the project (see attachment B-16). The reuse/onsite disposal of construction demolition and construction derived wastes is a topic that is most commonly related to the redevelopment of "brownfield sites" in the San Diego Region. The legislature has provided some statutory tools for streamlining redevelopment of "brownfield sites", including: the Polanco Redevelopment Act (Health and Safety Code Sections 33459 *et seq.*) and the Land Environmental Restoration and Reuse Act (Health and Safety Code, Sections 57008, 57009 and 57010). The State Water Board/Regional Boards and Department of Toxic Substances Control have developed Guidance and Policy documents related to the redevelopment of abandoned or under-utilized properties that are contaminated and have not been redeveloped due to remediation and liability cost concerns. These properties are commonly referred to as "brownfields".

Alternative sites for industrial and commercial facilities on "greenfields" (land with no previous commercial or industrial use), requires additional tax expenditures for the infrastructure development of roads, sewers, schools, residences etc. Putting "brownfields" back into service represents an environmental and economic opportunity to avoid redundant infrastructure development and tax dollar expenditures while limiting the burden imposed on the environment and habitats. Enabling reasonable reuse of demolition or construction derived solid wastes at brownfield sites can be a critical component to the economic viability of some redevelopment projects. Information on the various brownfield documents/policies at the SWRCB web site at:

<http://www.swrcb.ca.gov/plnspols/oplans/bfield.html>

Additional information on financial incentive programs and statutory requirements for remediation of "brownfield sites" may be found on the Cal-EPA web site at:

<http://www.calepa.ca.gov/Brownfields/>

The Regional Board staff has been active in brownfield redevelopment projects. Most recently, the Executive Officer executed a "Polanco Site Remediation Agreement" for redevelopment of the former Omar Rendering site located in Chula Vista (see Agenda Item No. 6 for April 2003 meeting and Executive Officer Report, Item No. 15 and attachment B-15 for September 10, 2003)

Most often, the solid wastes derived from demolition projects (e.g., buildings, roadways, etc.) may be classified as non-hazardous, "inert" waste pursuant to the criteria listed in California Code of Regulations (CCR) Title 27, § 20230. However, some of these waste streams require special consideration as they may contain various other materials/constituents that could pose a threat to water quality, some examples include:

- Residual lead base paints from older buildings.
- Metals (e.g., lead, copper, etc.) associated with some sources of asphalt/concrete debris.
- Polychlorinated biphenyls (PCBs) used as an anti-corrosive on some older buildings located in the water front areas of the San Diego Region.
- Asbestos used to as insulation in various building components (e.g., ceilings, ducts, etc.).
- Contaminated soils derived from past land uses (e.g., gas station, burn ash wastes, pesticide contaminated soils, etc.).
- Waste constituents (i.e., arsenic and creosote) that may be associated with treated wood/lumber.

If these wastes are not managed properly, they may pose threats to surface water quality from short-term storage/stockpiling of demolition material or waste management procedures implemented during any required processing (e.g., crushing or other treatment of waste) of demolition/construction wastes. Potential threats to surface water or groundwater as a result of the ultimate placement of processed wastes into engineered fills or as part of "hardscape components" (e.g. as road base, subgrade for parking lots, etc.) of redevelopment projects. The potential long-term threats to surface waters (through erosion and runoff) of groundwater (through leaching of soluble waste constituents) may often be mitigated through a combination of treatment and/or siting criteria developed for discharges of wastes into unclassified waste management units. The Regional Board Land Discharge Unit (LDU) staff currently evaluates the technical and regulatory aspects of Reports of Waste Discharge for individual proposals for reuse/disposal of demolition and construction related wastes into unclassified waste management units.

As our resources allow, it may be desirable for the Regional Board staff to investigate the viability of developing general waste discharge requirements (WDRs) for onsite reuse/disposal of various classes of demolition and construction related wastes in unclassified units.

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Update on Cruise Ship Bills *(Pete Michael)*

In the October 8, 2003 Executive Officer Report, two chaptered bills relating to waste discharges from cruise ships were reviewed: AB 121 (Simitian) and AB 906 (Nakano). AB 121 prohibits discharge of oily bilge water and sewage sludge to state waters and national marine sanctuaries. AB 906 prohibits discharges of hazardous waste and "other waste" including photo lab and dry cleaning materials to state waters and national marine sanctuaries.

Both bills were introduced in early 2003 with a different focus. AB 121 would have prohibited the discharge of sewage and gray water from cruise ships to marine waters of the state. AB 906 would have prohibited the discharge of sewage and gray water from cruise ships to national marine sanctuaries in California marine waters. In both cases, because federal law prohibits states from prohibiting vessels from discharging sewage and gray water without first applying for, and receiving, approval from the administrator of the U.S. Environmental Protection Agency (USEPA), the bills would have directed the State Water Resources Control Board to apply to USEPA for authorization. After USEPA approval, the bills would have prohibited sewage and gray water discharges to California marine waters, and would have authorized unspecified inspections of vessels by California.

The final bills signed by the governor no longer direct the State Board to apply to USEPA for authorization to prohibit sewage and gray water discharges. During 2003 the bills were amended to prohibit only sewage sludge, oily bilge waste, and other wastes. Meetings were held between the International Council of Cruise Lines, environmental groups, legislative consultants, and the State Board on the topic.

During negotiations with the State Board, the industry claimed its cruise ships would not visit California ports and would therefore not have reason to discharge wastewater into California waters. In late 2003, however, International Council cruise ships with advanced wastewater treatment systems were rescheduled to enter California ports, and it was expected those ships would discharge treated sewage and gray water. At this point, negotiations began with the State Board. On September 25, 2003 Michael Crye, president of the International Council, sent an e-mail stating member vessels agreed to avoid discharge and instead agreed to hold sewage and gray water onboard while the ships were in California waters. Mr. Crye expects to discuss with the State Board the possibility of discharging treated sewage and gray water into California waters.

As negotiations develop, executive officer reports will be presented to the San Diego Regional Board on this matter. Copies of AB 121 and AB 906 and the legislative history of the bills may be found at the California leg info web site:

<http://www.leginfo.ca.gov/bilinfo.html>.

2. New Statewide Aquatic Pesticide Permit (*Pete Michael*) (*Attachment C-2*)

A new aquatic pesticide permit would be adopted by the State Water Resources Control Board by the end of January 2004. A regional board probably would not have a direct role in affecting the outcome of this effort; however, the State Board has asked the U.S. Environmental Protection Agency to reconcile contradictions between federal water law and federal pesticide law to clarify California's role in issuing NPDES permits for pesticide applications. The eventual outcome of this effort could affect a regional board's workload for monitoring plan approvals and report reviews.

Under the existing emergency general permit, a regional board's role is to approve monitoring plans and to review monitoring reports. The new State Board aquatic pesticide permit would:

- Require attainment of water quality objectives for Priority Pollutants in receiving waters outside the mixing zone;
- Authorize variances from Priority Pollutant discharge requirements for public entities if California Environmental Quality Act (CEQA) requirements are met. However, as of August 6, 2003, the State Board had not received documents in support of CEQA exemptions.
- Require water quality monitoring before, during, and after aquatic pesticide application.

To promote resolution of conflicts between federal water and pesticide laws, the State Board sent a request to USEPA. A copy of the State Board's October 14, 2003 letter from Executive Director Celeste Cantu to USEPA is attached.